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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,237	04/03/2001	Kitmitaka Murashita	1075.1154 (JDH)	1240
21171	7590	03/10/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DIXON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/824,237

**Applicant(s)**

MURASHITA ET AL.

**Examiner**

Thomas A. Dixon

**Art Unit**

3639

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9,11,13-20,23-28 and 36 is/are pending in the application.  
4a) Of the above claim(s) 21-22,29-35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5,7,9,11,13-20 and 25-28 is/are allowed.
- 6) ☒ Claim(s) 23,24 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment of 11/28/05 has been considered. Applicant's call of 3/3/06 indicated that new claims 32-36 were overlooked.

### ***Election/Restrictions***

2. Newly submitted claims 33-35 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The claims do not contain language to the substitution of an alternative event substituting for the desired event.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33-35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. As per claim 23.  
line 2 of the claim states "at least either one of..." but only gives one option, labeled "(ii) first ..." which is confusing.

As per Claim 35, the preamble phrase "making a reservation" is not accomplished in the body of claim, the body merely outputs the alternative information.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Allowable Subject Matter***

5. Claims 1, 13, 14, 25, 26 are allowable.
6. The following is a statement of reasons for the indication of allowable subject matter:

As per Claim 1.

The prior art of record, specifically Visconti (6,876,973) in view of Waytena (5,978,770), does not disclose or fairly teach:

an alternative event information outputting section for outputting first alternative event information on an event substituting for said reservation-needed service;

a reservation managing section for selectively reading out said store information retained in said retaining section and said first alternative event information outputted from said alternative event information outputting section on the basis of said desired service or desired event received in said receiving section;

a transmitting section for transmitting, through a communication network to said user terminal, at least one of said store information and said first alternative event information read out in said reservation managing section;

wherein said reservation managing section, when receiving a reservation from the user terminal updates the store information retained in said retaining section, thereby completing the reservation, and

wherein said transmitting section, when the reservation is completed by said reservation managing section, transmits, to the user terminal, second alternative event information, which is different from the reservation-needed service and the first alternative event information and is practicable for a user of the user terminal.

As per Claim 13.

The prior art of record, specifically Visconti (6,876,973) in view of Waytena (5,978,770), does not disclose or fairly teach:

an alternative event information outputting section for outputting alternative event information on an event substituting for said reservation-needed service;

a reservation managing section for selectively reading out said store information retained in said retaining section and said alternative event information outputted from said alternative event information outputting section on the basis of said desired service or desired event received in said receiving section;

a transmitting section for transmitting, through a communication network to said user terminal, at least one of said store information and said first alternative event information read out in said reservation managing section;

an other reservation notifying section which outputs, to said transmitting section, reservation information of a reservation-needed event which needs reservation, out of the alternative event information output from said alternative event information outputting section;

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wherein said other reservation information notifying section outputs, to said transmitting section, practicable alternative event information, out of the alternative event information, as practicable event information;

wherein said other reservation information notifying section is made to extract a longest event taking a maximum performance time among events, included in said alternative event information, on the basis of an event end time obtained by adding said waiting time to a performance time to be taken for each of said events, for including the extracted longest event in said practicable event information.

As per Claim 14.

The prior art of record, specifically Visconti (6,876,973) in view of Waytena (5,978,770), does not disclose or fairly teach:

an alternative event information outputting section for outputting first alternative event information on an event substituting for said reservation-needed service;

a reservation managing section for selectively reading out said store information retained in said retaining section and said alternative event information outputted from said alternative event information outputting section on the basis of said desired service or desired event received in said receiving section;

a transmitting section for transmitting, through a communication network to said user terminal, at least one of said store information and said first alternative event information read out in said reservation managing section;

an other reservation notifying section which outputs, to said transmitting section, reservation information of a reservation-needed event which needs reservation, out of the alternative event information output from said alternative event information outputting section;

wherein said other reservation information notifying section outputs, to said transmitting section, practicable alternative event information, out of the alternative event information, as practicable event information;

wherein said other reservation information notifying section is made to extract a longest event taking a maximum performance time among events, included in said alternative event information, on the basis of an event end time obtained by adding said waiting time to a performance time to be taken for each of said events, for including the extracted longest event in said practicable event information and outputting the longest event included in said practicable event information.

As per Claim 25.

The prior art of record, specifically Visconti (6,876,973) in view of Waytena (5,978,770), does not disclose or fairly teach:

a reservation server for outputting at least either one of (i) store information including a reservation-needed service requiring reservation and a reservation information of said reservation-needed service and (ii) first alternative event information on an event substituting for said reservation-needed service to said user terminal, including:

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an alternative event information outputting section for outputting first alternative event information;

a reservation managing section for selectively reading out said store information, retained in said retaining section, and said first alternative event information, outputted from said alternative event information outputting section on the basis of the desired service of desired event received in said first receiving section;

wherein said reservation managing section updates the store information retained in said retaining section, thereby accepting a reservation request from a user of the user terminal, and

wherein said first transmitting section, when the reservation is accepted by said reservation managing section, transmits second alternative event information, which is different from the reservation-needed service and the first alternative event information and is practicable for a user of the user terminal.

As per Claim 26.

The prior art of record, specifically Visconti (6,876,973) in view of Waytena (5,978,770), does not disclose or fairly teach:

a first transmitting step in which a reservation server transmits, to a user terminal at least one store information including a reservation-needed service requiring reservation and a reservation information of said reservation-needed service and first alternative event information on an event substituting for said reservation-needed service;

a selecting step in which said reservation server selects at least one of said store information and said first alternative event information on said event substituting for said reservation-needed service, on the basis of the desired service or desired event transmitted in said reserving step;

a second transmitting step in which said reservation server transmits, to said user terminal, said store information or first alternative information selected by said selecting step;

a reservation accepting step in which the reservation server accepts a reservation from a user of the user terminal, when the user makes a reservation based on the store information and the first alternative event information transmitted in said second transmitting step; and

a third transmitting step for transmitting, to said user terminal, second alternative event information, which is different from said reservation-needed service and the first alternative event information and is practicable for the user.

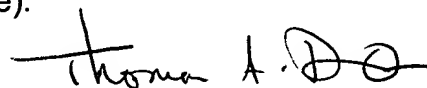
The claims that depend from the above allowable claims are allowable for the same reasons.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

March 06